

REMARKS

Upon amendment, Claims 1-9, 11, 12, and 15-62 shall be pending upon entry of this amendment. Claims 9, 12, and 15 are presently withdrawn.

By this Amendment, Claims 1-3 and 6-8 have been amended to recite “salt, a hydrate or a hydrate of a salt thereof.” Support for these amendments can be found throughout the originally-filed application, including the specification, examples and claims; particularly at Page 4, Lines 15-16.

Claim 11 has been amended to recite a “pharmaceutical composition” instead of a “medicament.” Support for this amendment can be found throughout the originally-filed application, including the specification, examples and claims.

Allowed Claims 23-42 have been amended to recite “or a salt thereof.” Support for these amendments can be found throughout the originally-filed application, including the specification, examples and claims; particularly at Page 3, Line 26 to Page 4, Line 11.

Claims 43-62 are new and are directed to hydrates and hydrates of salts of particular compounds and compositions comprising them. Support for the new claims can be found throughout the originally-filed application, including the specification, examples and claims; Page 4, Lines 15-16 and in Examples 44, 74, 80, 42, 25, 38, 58, 69, 93, and 64.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Reconsideration and withdrawal of the objections to and the rejections of this application in view of the amendments and remarks herewith, is respectfully requested, as the application is believed to be in condition for allowance.

Rejections under 35 U.S.C. §112, first paragraph

Claims 1-8 are rejected under 35 U.S.C. 112, First Paragraph, as allegedly failing to comply with the enablement requirement, particularly with respect to the enablement of solvates. While Applicants strongly disagree with the Examiner's allegation, and solely for the purpose of advancing prosecution, Claims 1-3, and 6-8 have been amended to recite "a salt, a hydrate or a hydrate of a salt thereof" instead of "a salt, solvate, or solvate of a salt thereof." Support for these amendments can be found throughout the originally-filed application, including the specification, examples and claims; particularly at Page 4, Lines 15-16.

Objections to the Claims

Claims 11 and 16-22 were objected to as depending from a rejected base claim. Applicants respectfully believe that the claims, as amended herein, are in condition for allowance and respectfully request withdrawal of the objections to the claims.

Allowed Claims

Applicants respectfully thank the Examiner for this finding Claims 23-42 allowable over the prior art. Applicants respectfully believe that the amendments made to Claims 23-42 will have no effect on the allowability of these claims. Reconfirmation of the allowability of Claims 23-42 is respectfully requested.

CONCLUSION

In view of the remarks made herein, Applicant submits that the application is in condition for allowance, and respectfully request favorable reconsideration of the application and prompt issuance of a Notice of Allowance are respectfully requested. If a telephone conference with Applicant's representative would be helpful in expediting prosecution of the application, Applicants invite the Examiner to contact the undersigned at the telephone number indicated below.

Applicants authorize the Director to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 04-1105, under Order No. 81477(303989).

Dated: September 2, 2009

Respectfully submitted,

Electronic signature: /Nicholas J. DiCeglie, Jr./
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